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HAWKINS, INC.

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May 15, 2002

To: Dockets Management System
U. S. Department of Transportation
PL 401
400 Seventh Street SW
Washington, DC 20590-0001

RE: Docket No. RSPA-02-12064 (HM-232) -17

02 MAY 29 PM 2:42

DEPT OF TRANSPORTATION

Dear Sir:

In response to your notice in the Federal Register on May 2, 2002 [Docket No. RSPA-02-12064 (HM-232)] we have reviewed your "Notice of proposed rulemaking", and offer the following comments for consideration:

- On page 22029, you state: "We also propose to establish a new requirement for certain hazardous materials shippers and carriers to have plans in place to assure the security of shipments during transportation". No security plan can make certain (assure) or guarantee the security of shipments. It is obviously in the best interest of hazmat shipper and carriers to make their best efforts in the safety and handling of all shipments, but it is NOT possible to plan for all unforeseen elements.
- On page 22032, you state "We invite comments on whether, an to what extent, state or local governments or Indian tribes should be permitted to impose similar additional requirements to those proposed in the rulemaking." The shipment and safe transport of hazardous materials is the RESPONSIBILITY of the Federal DOT. Allowing local or state agencies to impose additional regulations/requirements would result in a pattern of different rules and regulations, and would impede both safe transport and commerce.
- "172.201 (e) Consignor and consignee name and address. After [date 20 days after effective date of final rule], a shipping paper must include the name of the consignor and the complete address from which the shipment originates, and the name and complete address of each person to whom the hazardous material will be delivered (consignee). The names and addresses may be included on an attachment to the shipping paper." As a distributor of water-treatment compounds to over 3,000 facilities, we believe that the above change may be difficult, if not impossible, to comply with. For example: A small city knows that they will use "x" pounds of Fluorosilicic acid per week. They place an order with our company, who will then have to deliver varying amounts of water treatment compound to each well-house. At the time of order, we do NOT know what well-houses will require the compound. Also, as these locations are not "occupied", they may not



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have an assigned address. We suggest that the address of the municipal unit should be sufficient to insure a secure delivery. We also would like to take exception to the compliance date of 20 days after the effective date of final rule. Since many of these changes may require programming changes on bill of lading systems, we suggest that a 90-day compliance date would be more appropriate.

- "172.802 (c)(4) Identification of preferred and alternative routing, including acceptable deviations. Routes should minimize product exposures to populated areas and avoid tunnels and bridges, where possible. Transportation of a shipment to its destination should be accomplished without unnecessary delays or layovers." With tens of thousands of shipments per year, it is not feasible to identify all routes that may be used for transport. Construction delays, traffic accidents, and the normal flow of traffic all have a direct impact on not only the speed of the delivery, but what populated areas may be effected. This part of the proposed rule is unenforceable at best, and would create extreme hardships at worst.

If there are any questions, or if we can be of any assistance, please contact me at 612-331-6910.

Sincerely,



Chris W. Gibson
Technical Director
Hawkins Chemical, Inc.